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R O M A N I A

Churches & Religion

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Churches and Religion Romania

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Churches and Religion Romania

1. Digest

I. Prior to 1919

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[179]

The available evidence indicate that Christianity had been well established on the territory of the present day Romania in the second century. The region designated as Dacia, a province of the Roman Empire, had, between 106 and the end of the third century, an organized church with an established hierarchy. A bishop of "Gothic Dacia", (the name of this region after the withdrawal of the Roman legions) took part at the first Ecumenical Council at Nicea 325 A.D. Also, a Gothic Dacian bishop is mentioned among those present at the second Ecumenical Council of Constantinople, 381 A. D. We do not possess any particular information concerning the Christianity in this region from the 5th until the 13th century. This was the period of barbarian invasion which destroyed organized social life and forced the great majority of the population to seek refuge in the mountains.

The available informations for the beginning of the 13th century show the church of that region as being a part of the Eastern Orthodox Church. From that time on and until the second half of the 19th century the Romanian Eastern Orthodox Church was under the ecumenical Patriarchy of Constantinople. This applies not only to the canonical and dogmatic matters but also to the investiture (appointment of high dignitaries of the

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church). The Romanian church has become independendent from this Patriarchy only as a result of a long and complex process which began when the independent Romanian State came into being in 1859 as "the United Romanian Principalities." The first constitution of the kingdom of Romania of 1866 stated (Article 21) that "the Romanian Orthodox Church is independent." But the recognition of its autocephaly by the Patriarchy of Constantinople was declared only in 1885. Nevertheless, the Romanian Church has continued to maintain its unity with the ecumenical church of the East. This relation was, however, confined to the purely religious aspect. The Romanian church considered to be its duty to consult Constantinople Patriarchy on difficult questions of dogmas, canons, and cults whenever it was necessary.

Thus, it may be observed that the independence of the Romanian church was a consequence of the political independence of the Romanian State. The independende of the church signified the achievements of the sovereignty of the Romanian people and the church organization rendered important help and support to the incipient state.

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The Romanian clergy took part in the government administration and in political life. The clergymen could be elected to the parliaments and seats in some important governmental bodies were reserved to it. This was rather a consituation of the established tradition because in the past the representatives of the clergy had always been counsellors of the "domnitor" (the ruler) and members of the "Sfatul Tarii" (country's Assembly).

000 795 642 175 (the ruler) and members of the "Sfatul Tarii" (country's Assembly).
In general, the Romanian Orthodox Church has been since the foundation of the "United Principalities" in 1859 considered the predominant church and had a priority over other churches. This situation continued when the Kingdom of Romania was formed after 1866 (hereafter called Old Kingdom in contrast to Romania after 1919). Nevertheless, the religious practices of other [798] churches were tolerated and undisturbed. The Romanian Orthodox Church did not consider itself universal, was not animated by any spirit of proselytism and was rather passive and tolerant towards other creeds and rites. For this reason and because of the small number of persons professing other religions in the Kingdom of Romania, the situation did not call for any special legislation on freedom of religion prior to World War I.

II. From World War I to the End of World War II

1. General Regime of Churches

651 The necessity for special legislation regulating the status of churches other than the Romanian Orthodox has arisen after World War I.

175 671 The Romanian Kingdom emerged after World War I with an enlarged territory. The newly incorporated provinces were hitherto governed by different laws. Bulgarian law prevailed in Banat and Maramuresh, the same law with some specific provisions was also in force on Transylvania; Austrian law was

175 in force in Bukovina and the Russian law, with some specific
671 local rules, was in force in Bessarabia.

175 The population of the newly incorporated provinces was
162 predominantly Romanian but, in view of the long separation from the Old Kingdom, was somewhat different. Moreover, there were also other ethnological groups and a variety of churches and even sects.

The population of Transylvania and Banat, for instance, was divided mainly among the Roman Catholic and Protestant Churches. The population of Bukovina and Maramures was either of Catholic (Uniates) or Orthodox religion and had an important Jewish minority. In Bessarabia, in addition to the Eastern Orthodox Church, there was a real conglomerate of creeds and and rites, many of them originating back in the 17th century and subsequent reforms of the Russian Orthodox Church.

659 A new Constitution was adopted in 1923. It declared
[642] the principle of freedom of religion which needed to be developed in details and put into effect by special laws. This did not follow immediately but, instead, the Romanian Government carried out, in 1925, the unification and hierarchical reorganization of the Romanian Orthodox Church (see infra).

This step increased the pressure of the numerous other churches and rites practiced within the new frontiers. They intervened seeing that their status be defined and that their relations with the higher church authorities abroad, as well as with the Romanian State and the Orthodox Church, be settled by

659 law. For these reasons the Law No. 54, on the general regulation of the religious denominations, was enacted on April 22, 1928.

The State assured to all religious denominations an equal freedom and protection provided their practice did not endang public order and are not contrary to the laws and morals. (This principle, as well as the provisions of Article 24 regarding the establishment of religious associations have been repealed by Law No. 431 of 1943.).

Any disturbance of the free practice of any religion was declared subject to punishment under the Penal Law. (This provision was later stated in the new Penal Code of March 18, 1938, which in Articles 308 to 312 provides severe penalties for those impeding the free practice of religious creeds recognized by law.)

The religious belief does not prevent a person from acquiring and practicing civil and political rights and does not relieve anyone from the obligations imposed upon him by law.

The positive law has priority over the canonic.

Political organizations on a confessional basis are forbidden.

No church is allowed to entertain relations of dependency with any foreign church authority or organization except relations imposed by the dogmatic and canonical principles of the church. The jurisdiction of the domestic religious authorities should

659 not extend beyond the frontiers of the country and, vice versa, no foreign church may have jurisdictional powers over any denomination in Romania. Moreover, any material support granted and accepted from outside must be communicated to the Romanian Government.

793 The clergymen, the heads of the religious organisations and their officers must be Romanian citizens or they must apply for naturalization. A foreign citizen may be admitted only by special authorisation and specifically if otherwise the existence and the functioning of a religious community would be imperilled.

[678] As in the case of the Orthodox Church, the heads of all religious denominations and their clergymen are triable for common and political offenses by the High Court of Cassation and Justice (not by ordinary courts). However, the disciplinary cases in church matters shall be tried by their own Synods.

The organizations of the historical churches (infra) are legal entities.

794 The religious denominations freely administer their assets as well as establish and manage as many charitable and educational institutions as they wish or need. The same is true of schools for preparation of the clergy. These, however, must communicate to the Ministry of Religious Affairs concerning their curricula.

[871] Each church has the right to give religious instruction to their youth of the given denominations in either public or private schools, as well as to men on active service.

659 The keeping of vital statistics (Civil Status Records) was assigned to civil authorities and was governed by civil law. Thereby this matter became uniformly regulated for the whole of Romania.

795 659 By the provisions of the Law No. 54 of 1928 and its amendments (see infra) a general regime for the religious denominations was well established. However, from the point of view of a status the denominations were divided into several groups as follows:

1) National Churches: this term was applied to the Romanian Orthodox Church and the Greek Catholic (Uniate) Church.

2) Roman Catholic Church had its own status defined by the Concordat with the Holy See of 1927 which was also applied to the Uniate Church.

3) Historical but not National Churches: Calvinist, Evangelic-Lutheran, the Unitarian, the Armenian-Gregorian, Jewish and Mohammedan religions.

4) The so-called religous associations which are also called minor denominations. This term was applied to a variety of sects. Since 1933 this group became divided into two categories;

a) those which acquired the status of a legal entity under the law concerning non-profit corporations and were officially recognized and allowed to function;

b) those which were considered as dangerous for the public order and morality and therefore prohibited.

The Law No. 54 of 1928 was applied to the Romanian

795 Orthodox Church only insofar as its provisions are not contrary
659 to the Organic Law of this Church enacted in 1925 (infra). The same law reserved the regulation of the status of the Roman Catholic Church, including the Uniate Church, to the Concordat which was already agreed upon in 1927 but which was ratified in 1929.

The Jewish religion did not have a central organization at the time when the Law No. 54 of 1928 was enacted. Thus the law postponed the regulation of its status until such central organization was formed. Such organization was achieved only about 1930. Its primary purpose was to obtain a representation in the Senate (upper Chamber) because the law provided for the right of each national and historical church for such representative.

With these exceptions the Law No. 54 of 1928 was applicable to the status of the churches enumerated above under the category of historical churches. Besides, the law provided for the possibility of recognition of other or new religious denominations provided they comply with the provisions of the Law No. 54 and its tenets and practices are not contrary to the public order, the Constituti n or the laws and morals. These are the other salient provisions of the Law No. 54.

659 In principle the State retains the right of supervision and control over all denominations. Their heads, whether elected or appointed, must be approved by the King and take an oath of allegiance to Him and to the Constitution.

659 794 Besides their own revenues, the Churches were entitled to ask for contribution from their parishioners to cover the expenses of maintenance. In case of need the State may supply the amounts required for specified needs; in this case it reserved the right to verify that they are lawfully used.

[798] Articles 43 and 44 provided that since the Constitution guaranteed to all citizens the freedom of religion and conscience every individual has the right to belong to any religious denomination he desires, as well as to change his religion after he reaches the age of 18 years.

659 Up to the end of World War II the Law No. 54 was amended several times.

[793] The first amendment was caused by the fact that some sects carried on a propaganda which was considered to affect the public order. Thus by Decree No. 2752 of August 3, 1929 the Government introduced more severe penalties for clergymen who induced their flock to disobey the laws of the country.

798 659 Moreover, the decree allowed for the same reasons to withdraw from a religious association the authorization to function. The same fact induced the Government to make further a distinction among the religious associations which were not enumerated as historical in the Law No. 54 of 1928.

The Order (Decizune) No. 114, 119 of 1933 of the Ministr of Religious Affairs made a distinction between the permitted religious associations and those forbidden on the grounds of

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being dangerous to public order. The list of the latter was later expanded or reduced according to the evolution of the political concept of "public order". During World War II, for instance, several rites of the Russian Orthodox Church were forbidden because they became mere tools for the policy of Soviet propaganda.

The second amendment was made by Decree No. 3286 of October 2, 1940, promulgated by the rightist (Iron Guard) Government. By this act all religious orders and congregations not duly permitted to function at the time of enactment of the Law No. 54 of 1928 were forbidden. The primary purpose of these provisions was to outlaw the Jewish religion because the provisions of the Law No. 54 of 1928 could be interpreted as not providing for its definite status (see supra).

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In addition, this act restated the requirement of Romanian citizenship for clergymen of all denominations and fixed a certain period of time within which the clergymen had either to comply with this rule or leave the country.

Finally, all religious associations were obliged to register with the Ministry of Religious Affairs which had the right to refuse the registration of any one of these bodies.

A further amendment by Decree-Law No. 711 of April 21, 1941, forbade the admittance to other denominations of people of Jewish religion.

The Law No. 927 of December 30, 1942, changed the procedure for establishment of religious associations provided for in Article 24 of the Law No. 54 of 1928. The authorization

798 for their establishment was to be done by Order of the Cabinet.
659 No motivation was required if the Cabinet decided to repeal a previously issued authorisation.

Finally, the fight against sects (suspected of spying for the enemy) reached its climax by the Law No. 431 of July 9, 1943, which forbade the practice of religions other than the "historical denominations", specified by the Law No. 54 of 1928. The Government was empowered to suppress, by order of the Cabinet, the spreading of a specific sectarian cult and to expropriate its assets.

The further fate of all those laws and decrees is discussed infra.

128 A few words seem to be appropriate to explain the organization of material dealing with the status of individual churches. In the present part of the study devoted to the period before World War II, only the status of the Romanian Church, of the Roman Catholic Church and of the Greek Catholic (Uniate) Church is discussed.

The problem of the status of other religious groups acquired special significance only after World War II. Therefore, even the historical aspect of these denominations is treated in the third part of the present study dealing with the communist period (see infra III, 5).

795 2. Organization of the Romanian Orthodox Church
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After World War I the unification and reorganization of the Romanian Orthodox Church became a stringent necessity because,

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within the new frontiers, there were several orthodox churches governed by various hierarchical authorities, in addition to the Romanian Orthodox Church of the Old Kingdom. This was done by Law No. 1402 of May 6, 1925. It provided not only for the organization and procedure but it also stated that, since the

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Romanian Orthodox Church is the religion of the great majority of the Romanian people (72.6 percent, according to returns of the census of 1930, in 1930), it is considered, in comparison with the other religions of the country, as the dominant religion. In its relations with the other Orthodox churches, it was declared autocephalous, that is, administratively independent.

By this law the role of the Romanian Orthodox Church as a national church has been reiterated. The salaries of the clergy were paid by the State out of budgetary appropriations.

As the Law of 1925 was silent on this point, the dioceses of the Orthodox Church were granted the status of legal entities by a separate law of May 3, 1928.

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By th Law No. 1002 of May 4, 1936, Article 21 of the Law of 1925 was amended defining the status of the Orthodox clergy. Since they were paid by the Treasury there was a question as to whether the clergymen were civil employees.

The amendment clearly stated that clergymen enjoy all the rights and benefits of public servants only as far as the pay is concerned. In all other respects (appointment, promotion, discipline, etc) they remained under the rules of church law and the jurisdiction of the ecclesiastic authorities.

793 They were subject to church law and to disciplinary authority
659 of the Synod. At the same time, the amendment provided that the State shall pay, besides the salaries, all the other administrative expenses of the Orthodox church.

3. The Status of the Roman Catholic Church

795 There are two jurisdictions within the Roman Catholic Church in Romania: the Roman Catholics in the strict sense and the so-called Greek Catholics or Uniates.— Both are under the supreme authority of the Holy See and the Uniates are considered a rite within the Roman Catholic Church. It is proper, therefore, to begin the study with the status of the Roman Catholic Church in general.

The Catholic Church appeared for the first time in the Romanian provinces (Moldavia and Wallachia) toward the end of the 14th century and, in fact, it did not have any kind of diocesan organization before the beginning of the 17th century. During this time its organization consisted merely of several Catholic missions. From 1611 until 1919, the Catholic Church was organized into two dioceses: one for Moldavia with a bishop in Iassy and another for Wallachia governed by an archbishop in Bucharest who was also the highest dignitary for Romania.

[162] After 1919, the Catholic population from the provinces incorporated after World War I merged with that of the Old Kingdom and, according to the census of 1930, made up a Catholic minority of 6.8 percent of the total Romanian population. The Catholic Church insisted upon recognition as a National Church and upon

795 the granting of broader rights and a corresponding status.
[659] After long negotiations between the Vatican and the Romanian Government an agreement was reached on May 10, 1927, known as the Concordat, and it was ratified by the Parliament on May 29, 1929.

659 The most important provisions of this Concordat,[1] which refer to the relations between the Romanian State and the Catholic Church are the following:

The Catholic Church in Romania is recognized to have the status of a legal entity in conformity with the general laws of the country. This status is granted to all Catholic organizations, including the orders and congregations which are legally established both in accordance with the canon law and the laws of Romania.

794 The right of property in all assets of any kind is
659 recognized and guaranteed to the Church by the State in conformity with the Constitution and the laws of the country. The property and other assets for religious, educational, charitable and similar purposes for which they were originally established must be used according to their initial destination, and the proceeds must be used exclusively within Romanian territory. The property may be alienated or hypothecated only in accordance with the rules established by the laws of Romania and the canon law.

In conformity with the provisions of the Law on legal entities, the Government maintains the right of supervision over the material resources of the Catholic Church and the use made of them.

1 [ratified by Parliament, May 29, 1929 --Analyst]

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The Catholic Church is authorized to form, in Romania, a "Sacred Diocesan Fund" composed of the bonds belonging to the Church, its congregations and religious organizations. This fund shall be administered by the Diocesan Bishops' Council and it is destined to cover the expenses required by religious and educational activities as well as for salaries to be paid to the Catholic clergy. In case the fund should become insufficient for those expenses, the Romanian Government assumes the obligation of allocating the necessary subsidies from budgetary appropriations.

Besides the "Sacred Fund", there are two other funds to which the status of a legal entity has been granted as well. They are:

a) the General Catholic Fund for religion; and

b) the General Catholic Fund for education.

The administration of properties belonging to schools, educational institutions, etc., is conferred upon the Catholic diocesan authorities.

The Catholic Church has the right to open as many schools or charitable institutions of any kind as is desired. Since they are entitled to issue publicly recognized diplomas, these schools had to be supervised by the Ministry of Education.

000 The religious instruction of Catholics in all kind of

794 The religious instruction of Catholics in all kind of
659 schools, including government schools, is conducted according
871 to directives issued by the Catholic Bishop. The directives are to be communicated also to the Ministry of Education.

The Bishop has the right to request the dismissal of teachers of Catholic religion in public or private schools, even where such teachers are appointed and paid by the Government, if the Bishop considered the teacher unqualified for this task.

[874] Finally, the Catholic Church has the right to establish all kinds of Divinity Schools for preparing the Catholic clergy. The curriculum of those schools is established by the competent Catholic Church authorities.

793 The Catholic bishops and their assistants, appointed
659 by the Vatican, must be Romanian citizens and are obliged to take an oath of allegiance to the King, the Constitution and the laws of the country. Those who are not citizens are allowed to apply for citizenship within a reasonable period of time.

The appointment of the clergy is within the exclusive jurisdiction of the Church authorities. However, an appointment must be communicated, in advance, to the Ministry of Religious Affairs.

Article 27, the last article of the Concordat, states that "The two contracting parties reserve the right to denounce this Concordat after notice has been served six months in advance."

659 An additional Protocol was signed on May 30, 1932 (Official Gazette No. 180 of August 3, 1932 and ratified by Decree-Law No. 659 (Official Gazette No. 52 of March 2, 1940) pertaining to the

659 interpretation of Article of the Concordat dealing with the use of property which did not alter or restrict the original provisions.

[208] In any event, the Concordat granted the Catholic Church unlimited possibilities of religious propaganda since it provided that the Romanian Government would not oppose the establishment of new Catholic parishes whenever this would be requested by a mimmum of 400 worshippers or even less.

According to these provisions and those of the Law No.54 of 1928, the Catholic Church has been treated as a national church on equal footing with the Romanian Orthodox Church. The Concordat ruled also on the status of the Armenian, Greek-Ruthenian and Greek Catholic Churches in Romania insofar as they were considered as Catholic rites. Some specific information on the two last named denomination are given in the next chapter.

4. The Greek Catholic Church

795 It must be borne in mind that in addition to the Roman Catholic Church in the strict sense there were three churches in Romania which, though originated as Church of the Eastern Christian Orthodoxy were, in the long run, united with the Roman Catholic Church under the supremacy of the Pope.

These churches generally called Uniates were as follows:

a) Romanian Uniates called in Romania Greek Catholics.

b) Russian or, rather, Ukrainian Uniates, called in Romania Greek Ruthenians, mostly inhabitants of Bukovina and

795 part of Northern Bessarabia.

c) Armenian Uniates called also Roman Catholic of Armenian rite.

Each of these churches came under the supremacy of the Pope at a different time and under slightly different conditions. Only the Romanian Greek Catholics are dealt with in the present chapter (for others see infra III, 5).

175 795 779 The union of the Greek Orthodox Romanians by nationality with the Roman Catholic Church was accomplished by an agreement in 1698 between the Vatican and the Orthodox Bishopric of Alba-Julia, ratified later, by the Pope. In joining the Catholic Church, this fraction of the Greek Orthodox Church, however, reserved, among other things, the right to officiate at the services in the Romanian-language, and the right of the clergymen to marry. In exchange, the Uniates admitted four dogmatic points of the Catholics, among which the more important were the acceptance of the Pope's supremacy and the Filioque. This union was a result of a compromise accepted by the Holy See in view of circumstances which prevailed in Hungary in particular in Transylvania and Banat in the 17th century. Several political causes contributed to this union. To mention the principal ones, the Hungarian kings endeavored to convert the Romanian minority to Catholicism and thus to detach it from the influence of Romanian Principalities. The spreading of protestantism among the German minority in Transylvania presented a possibility of swaying the Romanians to the same religion.

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795 The Greek Catholic fraction was amalgamated into the hierarchy of the Roman Church and became simply a rite within that church. At the very beginning, this church was organized as a single diocese with the rank of a Bishopric but, later on, the number of dioceses was raised to three. Nevertheless, during a period of approximately 90 years from the time of the union, the Uniate bishops were supervised and controlled by Jesuit monks sent from Rome. In 1855, the Greek Catholic Church was raised to the rank of a Mitropoly and the Jesuitic control was withdrawn.

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659 Until the Concordat of 1929, the status of this church was based mainly on the provisions of the Act of Union of 1698. Both the Constitution of 1923 and the Law No. 54 of 1928 granted it priority above all the other religious minorities. It has been reorganized since the conclusion of the Concordat and was given all rights and privileges of the Catholic Church. The [713] highest dignitaries of the Greek Catholic Church were equally senators ex officio of the Romanian Parliament as were those of the Roman Catholic Church. The clergy has been paid by the State. For preparing its clergy the church was maintained three theological academies. The returns of the census of 1930 [162] showed that 7.9 percent of the population of Romania belonged to the Greek Catholic faith.

III. Churches under the Communist Regime

1. Basic Provisions

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642 Although Romania has been ruled by Soviet Russia since its surrender in August 1944 and is actually governed by a Communist Cabinet appointed by Moscow in March 1945, the beginning of the Communist regime is set as of January 1, 1948, e. g., after the King's abdication and the creation of a People's Republic, since the main revolutionary social reforms have been enacted after that date.

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798 Romania signed and ratified the Peace Treaty with the Allied Nations (Official Gazette No. 199 of August 30, 1947). According to clear stipulations of the treaty Romania is bound to translate into national legislation its main provisions and apply them strictly. Article 3 of the Peace Treaty reads:

> "Romania shall take all measures necessary to secure to all persons under Romanian jurisdiction, without distinction of race, sex, language or religion, the enjoyment of human rights and fundamental freedoms, including freedom of expression, of press and publication, of religious worship..." (Italics supplied.)

The freedom of religious worship was, therefore, considered as a fundamental one and the Romanian Government was supposed to make no discrimination between the different churches of rites of various denominations existent and practiced within its boundaries.

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798 The first attempt to comply with these provisions was made through the new Romanian Constitution enacted on April 11, 1948.

642 Article 27 of this fundamental law reads as follows:

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Article 27

Freedom of conscience and freedom of religious worship shall be guaranteed by the State.

Religious creeds shall be free to organize themselves and may freely function provided their ritual and practice are not contrary to the Constitution, public security and morality.

No religious denomination, congregation or community may open or maintain institutions for general education, but may only run special schools for training personnel necessary to the Cult under State control.

The Romanian Orthodox Church is autocephalous and unitary in its organization.

The way of organizing and functioning of the religious creeds will be established by law." (Italics supplied.)

Consequently, three main principles are to be retained:

a) The freedom of religious worship is guaranteed by the State;

b) The organizing and functioning of religious creeds is, with specified exceptions, free;

c) The various creeds are entitled to run special school for training their clergy.

However, these constitutional provisions do not reflect the true situation which will be brought to light only after the analysis of laws later enacted and analyzed in subsequent chapters.

2. The Regime of the Religious Denominations

A. General Survey

659 After World War II, the original law for the regulation of the religious creeds (No. 54 of 1928) suffered only one major

659 amendment; namely, by Law 62 of March 2, 1948. Its main provisions were as follows:

[421] All reorganized denominations were ordered to take detailed inventory of their assets and communicate it to the Ministry of Religious Affairs in order to enable the latter to exert an easier control over their material resources. Further, the denominations were obliged to hold religious services every time the Government so ordered.

[793] The heads of the Churches, elected or appointed, shall be recognized only upon taking of an oath of allegiance to the newly established People's Republic. By this oath they promised not only to obey the laws, but also to enforce them, to compel their subordinates to obey them and defend the Republic against "any enemies from within or without."

[421] Finally, the Ministry of Religious Affairs was empowered to control and verify all assets and revenues of all kinds belonging to any church, as well as the use made of them.

It is clear that by this amendment the Government took quite a different attitude towards the church. Its existence is justified in the eyes of the government and protected only insofar as the church organizations enforce the law of the country and defend its political order. This amounts rather to bestowing executive and police powers upon the churches and to force upon them to practice political discriminations instead of religion.

There is a novel provision according to which the Government is entitled to control the use made by the churches of their

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assets and incomes without drawing a distinction, as the Law No. 54 of 1928 did, between the assets owned by the church and the State subsidies.

Yet, soon after these amendments had been made, the law No. 54 of 1928 was repealed in its entirety by the Decree No. 177 of August 4, 1948. This decree establishes a new regime governing the practice of religion in Romania, presumably in accordance with the principles set up in the new Constitution and interpreting them.

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The first five articles of the decree proclaim that the State guarantees the freedom of conscience and the freedom of religion and punishes the hatred engendered on account of a religious creed. The religious belief does not impede anyone from his duties and obligations under the law nor is it an obstacle to acquiring and exercising civil and political rights. Yet, no mention is made about the State assuring equal protection under law to all religous creeds.

In contrast with the Law No. 54 of 1928 no distinction is made any longer between the national, historical or minor denominations. Articles 6 to 9 of the Decree No. 177 provide, in general, that all religious creeds are free to organize and function, provided their practice and ritual are not contrary to the Constitution, the morals and (this is a new criterion) "the public security or public order".

The religious creeds are free to establish and organize endowments, associations, orders and congregations, according to their own rules, teachings, canons and traditions. However, in

order to be organized and to function, the religious denominations must be recognized and granted permission to do so by decree of the Presidium of the Great National Assembly upon proposal of the Cabinet. 659 798

"In well-founded cases, the recognition can be withdrawn in the same way" (Article 13).

Consequently, the existence of a religious denomination, including all its orders, congregations, etc., is left entirely at the discretion of the political authorities.

Only the recognized religious denominations and their local organizations possess the status of legal entities. Such status may be granted to their civil associations and endowments, pursuing religious aims, as well as their orders and congregations if they comply with all requirements provided by the Law for legal entities (Article 28).

The heads of the religious denominations as well as the dignitaries of their churches and the entire personnel must be Romanian-citizens and "enjoy fully the exercise of civil and political rights" (Article 20). No mention is made with regard to the situation or fate of those dignitaries who are not, or not as yet, citizens. 659 793

As to who has the full exercise of the civil rights is clearly defined by the Civil Law. But a different situation exists with regard to the political rights. Although those rights are well defined the statutory provisions, the final and only proof that a person enjoy the political rights is the fact that he has

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been registered in the electoral list in 1946 and that his name was still there subsequently. In other words, only those clergymen and officers of the church are admitted to serve their churches who came successfully through all purges practiced by the Communist Government since 1945. Since the beginning of 1949, the lists are checked annually and are kept by the local People's Soviets which enjoy almost unlimited administrative and political powers. So far these local soviets were not elected but were appointed by the Communist Party's machinery and it stands to reason that nobody is entered on the electoral lists who is not completely trusted by the Party. Other usual reasons to strip a citizen of his political rights are: "undemocratic attitudes", "People's foe", "traitor", etc. Therefore, the political capacity is no longer a status granted to every citizen by the Constitution which could be exceptionally taken away for great and precisely defined offenses against the State after due process in courts, but it may be taken away by the decision of the Communist Party alone. Moreover, Article 33 of the Decree No. 177 provides that a clergyman of a recognized church who shows an "anti-democratic attitude", may be deprived, totally or in part, of the right to draw salary.

The requirement of oath established by the Law No. 62 of 1948 is maintained also in the new law and every minister of religion or officer of any church must take it before the admissio to this office.

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Article 25 provides that:

> "the Ministry of Religious Affairs shall suspend any decision, instruction or directive, as well as any order (of a church authority) having a church administrative, cultural, educational or a charitable character or pertaining to endowments if it is contrary to the status of the denomination, to the act of its establishment, to public security or public order or morals. The pastoral and circular letters shall be communicated in advance to the Ministry of Religious Affairs." (Italics supplied.)

The religious denominations and their endowments, associations, etc., must submit a full report on their financial situation for approval and verification by the Ministry of Religious Affairs. The law provides that the salaries of clergymen and the officers of the church shall be paid by the State. But, in contrast to the Law No. 1002 of 1936, Article 34 of the Decree No. 177 suggests that these persons are on the same footing with other government employees in all respects. This article reads:

Article 34

> Placing on the payroll of the clergymen and officers of the religious denominations shall be done according to the general rules.

The "general rules" of government employment referred to here (Code of Civil Service of 1946) makes clear that everybody who draws salary from the Government treasury enjoys all rights and has all of the duties of a governmental employee.

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Several provisions deal with the disposal of property of parishes where a part of the parishioners decided to choose

[1. Law No. 62, Article 25, 1948- Analyst]

another denominational jurisdiction. Disregarding the ecclesiastical rules of the denomination, the decree provides that the assets of the parish are transferred to the denomination chosen by the parishioners who leave the parish in proportion to their number as compared with those remaining in the parish. In case 75 percent leave a creed, its entire assets, including the church building, are transferred to that adopted by the parishioners. The implication of this rule is discussed infra under 5. 659 425

The religious denominations may maintain with other countries only such relations as are of a religious nature and they must be carried after approval of the Ministry of Religious Affairs and through the medium of the Ministry for Foreign Affairs. These provisions were intended to interrupt direct contact between the Roman Catholic Church in Romania and the Holy See, required by the dogma and organization of the Roman Catholic Church. 659 648 794

Any direct communication by Catholic prelates in Romania with the Holy See could be brought, in view of these provisions, under the provisions of the Decree of August 12, 1950, on state security which threatens with the death penalty:

a) "Treason to the country, rendering service to the enemy or causing prejudice to the power of the state;

b) Procurement and the transmission of state secrets to a foreign or enemy power; . . ."

Unfortunately, there were several instances in which expulsion or conviction was imposed upon the prelates and minister

of the Roman Catholic Church in connection with these provisions. 659
Reference is made to the case of Archbishop O'Hara, Monsignor 648
Guido Del Mesti and Monsignor J. Kirk expelled on July 6, 1950, and other members of nunciature who were convicted on July 4, 1950, the case of Bishop Augustino Pascha, on September 10, 1951, and four other Catholic priests on September 7, 1951.

By Decree No. 178 (Official Gazette No. 178 of August 4, 659
1948) the Ministry of Religious Affairs was reorganized to fit the new tasks and was empowered to exert complete control over all religous denominations in the country.

Later on, by Decree No. 37 (Official Gazette No. 30 of February 5 1949) its administration has been simplified in fulfillment of a general order requiring the dismissal of a number of public servants.

After this reduction in personnel, the Ministry of Religious Affairs concentrated only on control and laic matters and dissolved divisions dealing with some spiritual questions, documentation and studies.

The law for general regulation of the creeds has been, 659
later on, implemented by Decree No. 243 (Official Gazette 217 795
of September 18, 1948) by which the number of dioceses for each recognized creed was strictly fixed on the basis of 750,000 worshippers per diocese, as follows:

Greek Orthodox	17 dioceses
Greek Catholic	2 dioceses
Roman Catholic	2 dioceses

Christians of old rite:	1 diocese	659
Protestants:	1 bishop and 1 superintendent.	795

The other religious denominations must each have one central organization.

B. Church Property

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The general Decree No. 177 on religious denominations grants the recognized denominations and their parishes the status of a legal entity. The institutions, orders, congregations, associations and establishments organized by the Church may, however, obtain such status only upon a special petition in a procedure established for granting the legal entity in general. It may also be observed that under the Law No. 54 of 1928 the status of legal entities was recognized automatically to a broad group of churches enumerated therein as national or historical denominations. The Decree No. 177 does not grant to any denomination automatic recognition by virtue of the law. Recognition of any denomination is within the discretion of the government which is not limited in its decision. Consequently, a denomination must petition to be recognized and only if the recognition is granted, it acquires the status of a legal entity.

The most salient point, however, lies in the expressly 659 425
state right of the Ministry of Religious Affairs "to verify and control" the inventory of all church property and its budget (Articles 29, 30 of Decree No. 177).

In addition, it may be borne in mind that some churches,

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in particular the Roman Catholic Church, were already deprived of their funds. This was a result of practices supported by legal provisions.

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In the first place, it refers to land. Agricultural land still possessed by the church after the land reform of 1919 was in fact taken away in direct violation of the law.

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Article 8 of Law No. 187 of March 23, 1945, on agrarian reform provided that:

> "agricultural land belonging to monasteries, mitropolies, bishoprics, parishes as well as clerical endowments are excepted, from expropriation, and left in the ownership of the present title holders."

Likewise, certain categories of land, such as vineyards and forests, were generally exempted from expropriation. Nevertheless, most of Catholic landed property, including forests, vineyards, etc., were commandeered early in 1945 and thereafter seized by various "local committees" and, eventually, divided into small holdings. The remainder was seized in its entirety in February 1949 without compensation. This time the Government did not even take pains to issue a decree legalizing the actual seizure.

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The "Sacred Fund" of the Catholic Church (<u>see supra</u>) also lost its value. It was composed almost exclusively of governmental bonds and were given after 1919 to the religious Catholic bodies in Transylvania as compensation for estates expropriated at that time. The terrific inflation of 1944-1947, swept out their value. Then, just before the monetary stabilization of August 14, 1947 government bonds were compulsorily called in and paid for in inflated <u>lei</u>, only an insignificant part of which was exchanged after the monetary stabilization for new currency.

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In this way, most of the material means of the Catholic 659
Church for support of its religous, educational and charitable 425
program disappeared.

These successive expropriations have been applied to [798]
all religious denominations. However, the Russian Church ("Christ-
ians of Old Rite" and the parishes included later on in the
Ukrainian Vicariate) was exempted from such measures. If the
Romanian Orthodox Church possesses today some material means,
these were either granted subsequently by the Government or
were transferred by the government from the seized assets of
other religious denominations.

C. Church and School

The right to establish and run schools of all kinds 659
granted to all religious denominations by the Law No. 54 of 1928 971
and in particular to the Roman Catholic Church by the Concordat
was abolished. The same is true of the right to administer
religious instruction in private and public schools. This is
the result of a series of decrees.

The first step toward this goal was to suppress the
denominational schools and those supported in some way by churches.
The Government started by suppressing all foreign schools existing
in Romania by Order No. 191,653 (Official Gazette No. 176 of
August 2, 1948). Many of these schools were, to a certain extent,
connected with the religious denominations.

The next step was a reform of the school system

accomplished by Decrees No. 175 and 176 (Official Gazette No. 177 of August 3, 1948). By Article 35 all denominational schools were taken over by the government. It reads as follows:

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Decree No. 175 of 1948

Art. XXXV. All the denominational and private schools shall become governmental schools.

Decree No. 176 of 1948

Art. 1. For a better organization of the public education, as well as the expansion and democratization of the educational system, all personal and real properties that belonged to the churches, congregations, religious communities, non-profit organizations and trade corporations and, in general, to individuals or legal entities which were destined to serve as support...to denominational schools, are transferred to the government ownership and shall be used for educational needs.

This provision covers school buildings, dwelling for professors, boarding houses and students' homes, etc., as well as funds, estates, and legacies serving educational purposes. No compensation was to be paid for them. A list of over 2,000 denominational and private schools of all kinds, from kindergartens to colleges, which were thus expropriated, was attached to Decree No. 176. The provisions quoted make plain that no denominational school may be opened in the future which conclusion is supported by the fact that a subsequent Decree No. 177 of August 4, 1948 regulating the religious denominations does not mention the right of the church to open general schools. It deals with schools in Chapter VI but provides exclusively for divinity schools.

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These decrees affected especially the Roman Catholic Church to which belonged the majority of the denominational schools.

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schools.

Neither the Decrees No. 175,176 and 177 nor any other law or decree mention the religious instruction in any way. The officially approved curricula of secondary and higher educational institutions do not provide for religious instruction. Nowhere is mentioned the right of the church to supervise religious instruction in case it would be given in general schools. 659 871

The only kind of schools allowed to the church are the special divinity schools for the training of clergymen and auxiliary personnel. These schools are in all aspects, including that of the curriculum, under the supervision of the Ministries of Religious Affairs and of Education. The Ministry of Religious Affairs may, among other things, dismiss at any time the professors appointed by the church whenever it deems that "public order and the security of the State" so requires. 659 871 793

Article 49 of the Decree No. 177 limited the number of Schools of Divinity of university rank in the whole country to: two for the Orthodox Church, one for the Catholic Church and one for all Protestant Churches. But a subsequent order of the Ministry of Religious Affairs reduced further the number of divinity and clerical schools of all denominations and did not mention the establishment of any Roman Catholic Divinity Schools. All of this shows the intention of the government to bar the opportunity for training of the ministers of religion.

It must also be mentioned that no general education may be given at the Divinity Schools. Notwithstanding according

to the curricula approved by the government, an important place is given to three special subjects of "general education", viz., Constitution and law of the Romanian People's Republic, Russian language, and History of Russian Theology. 659 871 793

By the Order No. 42,898 (Official Gazette No. 226 of November 15, 1948) the curricula were approved for the divinity schools of the following denominations: Greek Orthodox, Protestant (including Evangelist, Reformed and Unitarian), Jewish, Baptist, Adventist and Moslems. No mention is made of any curricula for the Roman Catholic Divinity Schools. The same is true of the "Christian Church of Old Rite" but for a different reason (see infra).

3. Status of the Romanian Orthodox Church 659 795

No new general law on the Romanian Orthodox Church was enacted and it continues to be regulated by the provisions of the Law for the Organization and Unification of May 6, 1925, as amended, since 1947 (see infra). Yet, an interesting question seems to remain open; viz., is it still the dominant church in the State, e. g., the National Church or not? As it has been mentioned previously, the Organic Law of 1925 provided that, since the Greek Orthodox Creed is the religion of the majority of the Romanian people, the Romanian Orthodox Church is dominant in the country. The new amendments of the law of 1925 did not directly affect this provision. But this principle has been taken from the old Constitution of 1923 which, in Article 22, paragraph 4, specifically stressed its role as a 659 795 642

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national church. The old Constitution has been repealed and replaced by the Constitution of April 11, 1948 and its Article 27, paragraph 4, provides only that "the Romanian Orthodox Church is autocephallous and unitary in its organization." Article 15 of Decree No. 177 of 1948 has similar provisions. However, no mention is made in the new regulation of religious creeds as it was done in the repealed Law No. 54 of 1928 that the Romanian Orthodox Church shall also be directed by its principles, provided they are not contrary to its organic law.

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There are strong reasons to believe that the Romanian Orthodox Church is no longer considered a national church since such status is based on the text of an ordinary law which only implemented a constitutional provision no longer in force. According to the new Constitution and more recent legislation, it appears rather that the Orthodox Church is only one of the recognized denominations and is on an equal footing with the others. This treatment could be the result of the revival of the old Russian Church in Romania (infra) that would not accept a second-rank role in a satellite country.

The contradiction between the new constitution and the Law of 1925 may be explained by the fact that the present government did not yet come to revise all the laws in order to bring them in harmony with the new Constitution. Only the following amendments of the Law of 1925 were enacted thus far.

The Law No. 167 of May 30, 1947, changed the procedure in filling the vacancies in membership of the Diocesan Councils.

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Such councils are governing bodies of dioceses and consist of clergymen and laymen elected by the Council itself. Under the Law of 1925 several candidates used to be nominated. Under the Law No. 167 only one candidate is nominated, who must have, in advance, a specific motivated approval by the Ministry of Religious Affairs. In this way the Government succeeded in staffing these bodies with members who, afterwards, in their turn, elected such church dignitaries who would be obedient to the present political regime. Furthermore, the National Church Council which convenes for the election of Bishops, Archbishops and Mitropolitans has been enlarged to include all the members of the Cabinet, the Under Secretaries, as well as members of the Parliament, elected from the districts of the Diocese for which the vacancy occurred. The result was that the laymen members outnumbered the clergymen and thus the Government could be sure of the outcome of the elections.

Law No. 60 of March 2, 1948 and Presidential Decree No. 133 of February 5, 1949, brought only minor changes in the church organization.

4. Present Status of the Roman Catholic Church and Other Religious Denominations

A. The Denunciation of the Concordat of 1927

As previously stated, the Roman Catholic Church organizations, as well as its congregations, institutions and assets were administrated and run according to principles laid down in the Concordat of 1927 and its subsequent implementations. The Roman Catholic Church administered in 1939 the following

establishments: 177 churches; 21 chapels; 669 parishes; 2,002 prayer stations; 9 divinity schools; 6 students' homes led by nuns; 5 orphans' asylums; 1 hospital; 32 pious conventions; 26 Franciscan monasteries; 56 nuns' cloisters; 18 high schools; 5 students' homes; and 1 Ursulines Institute (these figures are derived from an article by Professor Olimp Craciun "Cultele religioase" in Encyclopedia Romanici, vol. 2, Bucharest, 1939). 659 795

The Concordat set up definite limits to the supervision by the Romanian government over the Catholic Church in Romania.

By Decree No. 151 (Official Gazette No. 164 of July 19, 1948) the Romanian Government denounced the Concordat and its additional Protocols and briefly stated that the application of all these agreements ceased on the day of the publication of the decree in the Official Gazette. Yet, Article XXIII of the Concordat provided that its denunciation by either side must be preceded by a notice served six months in advance. During this period, the agreement continued to apply but negotiations concerning a new agreement could be initiated.

Thus, the manner in which the Romanian Government chose to denounce the Concordat obviously disregarding this provision could mean only a mere rupture of agreement and relations.

The Decree No. 151 did not mention at all whether the Catholic Church was to be guided by the provisions of the law regulating religious denominations in general, or of any other law and thus left this church without a regulation by law. This refers not only to the Roman Catholic Church but also to its rites, congregations, assets, etc. In fact, the steps 659 795 798

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subsequently taken by the Government demonstrated that the Decree meant to deprive them of legal protection. The Roman Catholic Church was practically barred from any educational activities and deprived of its funds (see supra III 2, B and C). The expropriation of schools was followed by the disbanding of the Catholic organizations.

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The first step was taken through the Orders of the Cabinet No. 1677 and 1679 (Official Gazette No. 299 of December 25, 1948) by which eleven main associations and endowments and all their branches were suppressed and their assets transferred to the State. The same steps were taken by the Order of the Cabinet No. 1770 (Official Gazette No. 10 of January 13, 1949) against additional eleven Roman Catholic and Reformed non-profit organizations and all their branches.

Order of the Cabinet No. 161 (Official Bulletin No. 48 of February 26, 1949) suppressed also sixteen main religious and professional Catholic associations and all their district branches. Their assets were transferred to the Ministry of Interior.

Finally, the Order of the Cabinet No. 810 (Official Bulletin No. 51 of August 1, 1949) suppressed the existing Roman Catholic Orders and Congregations with all their dependent institution, regardless of the form in which they were organized. Herein were included the eleven congregations and four orders of the Catholic Church in Romania. Only two monasteries for monks and three convents for nuns were excepted where the clerical numbers of the disbanded congregations were allowed to continue their monastic life. Those who were not Romanian citizens were summoned to appear before the local police for arranging the formalities concerning their leaving the country. Those who

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refused to join the monasteries and convents, were given the choice either to request internment in public poor houses (that is, the old people) or to be trained for a handicraft and afterwards assigned to work by the Office for Distribution of Labor Forces. Each number was obliged to communicate in writing his decision to the Ministry for Religious Affairs within 20 days.

It should be also mentioned that under the Law of November 3, 1948, providing for the nationalization of private hospitals, sanatoria and similar health institutions, a number of important Catholic hospitals were taken over by the government from the Church.

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5. Greek Catholic (Uniate) Churches (Romanian, Ruthenian, Armenian)

As it was mentioned supra II, 4., there were three Uniate churches in Romania. The origin and status of the so-called Greek Catholics, i.e., Romanian Uniates, was described there. The adherents of this church inhabit Transylvania. The members of Armenian Uniate Church (Roman Catholics of Armenian rite) inhabit also in Transylvania (bishopric in Gherla). The third Uniate church, so-called Greek Ruthenian, embraces only Ukrainian (i.e., Russian) population in Bukovina and Maramuresh. Its origin is dated from the Brest Church Council of 1596 when the prelates of the Orthodox Church then within the confines of Poland accepted the union with the Holy See on conditions similar to those accepted subsequently by the Romanian Church in 1698 (see supra II, 4).

To this Church belonged the Ukrainian population of the northern part of Bukovina and of Galicia--which incorporated in the Soviet Union after World War II--and also the Ukrainian and Belorussian population of these provinces. However, the latter population was officially incorporated into the Russian Church by the decree of Emperor Nicholas I in 1839. 175 795

All three Uniate churches in Romania were until now branches of the Roman Catholic Church and after the Concordat was denounced found themselves in a similar position, i.e., without a regulation by law. The members of all three churches experienced a pressure on the part of the government to induce them to "return", so to speak, to the Orthodox Church and to break with the Holy See. The disbandment of the Uniate parishes or rather their transformation into Orthodox parishes was indirectly stimulated by the Order No. 39,380 of the Ministry of Religious Affairs (Official Gazette No. 242 of October 18, 1948). Under the previous decree No. 177 of 1948, if members of a parish select another church they carry with them a part of the assets of the parish proportionate to their number. If 75 percent of the parishioners decide to join another church, the church building is transferred to the newly selected one. The Order No. 39,380 provided that, in counting such members, only the heads of each family are taken into account. Thus the counting was greatly facilitated and expedited. 175 795 659 [425]

No decrees were disclosed dealing especially with the Armenian Uniate Church.

But the Decree No. 358 (Official Gazette No. 281 of December 2, 1948) suggests that the Greek Catholic Church ceased to be a separate ecclesiastic body in Romania and there may be only separate parishes. The Order reads as follows: 659 795 [671]

Article 1

Subsequent to reverting of the local Greek Catholic Parishes to the Romanian Orthodox Church and in conformity with the Article 13 of Decree 177/1948, its central organization and those provided by its Constitution shall cease to exist.

The Order says that the assets of the Greek Catholic Church shall become the property of the Romanian State, without any compensation, and shall be assigned partly or wholly to the Romanian Orthodox Church or to its various constituent parts. [425]

The Government obviously has made use of the provisions of Article 13 of the Law for Religious Denominations of 1948 to withdraw recognition from this church which, after the denunciation of the Concordat, lacked a definite status.

The wording of this article shows, beyond any doubt, that the Greek Catholic Church has been since July 1948 absorbed by the Romanian Orthodox Church by Administrative Order.

The fate of the Ukranian (Ruthonian) Uniate Church was different. The Concordat of 1927 provided for the establishment of this church of a separate diocese within the Roman Catholic Church with the seat to be designated later. It may be mentioned in this connection that the Uniate churches in Galicia and the northern part of Bukovina-now incorporated in the Soviet Uni[illegible]re declared united with the Russian Church

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headed by the Moscow Patriarchy in 1947 and 1948. Thereafter, the Ministry for Religious Affairs of Romania issued the Order No. 34,695 (Official Gazette No. 76 of December 2, 1949) which authorized the creation of a "Ukrainian Orthodox Vicariate General" whose task is to organize and have jurisdiction over all Ukrainian Orthodox parishes in Romania. (The original order mentioned a Ruthenian Vicariate, but a note published in the Official Gazette No. 81 of December 16, 1949, substituted for the word "Ruthenian" the word "Ukrainian."

The Ukrainian Vicariate is "an organization independent of any Orthodox diocese and it depends upon the Patriarchy of the Romanian Orthodox Church being directed by the provisions established by the Law on Organization and funtioning of the Romanian Orthodox Church (of 1925). (Article 2) The scheme of organization of the Vicariate is reserved for future regulation by the Vicariate with the approval of the Romanian Patriarchy and the Ministry of Religious Affairs.

It must be borne in mind that there are no Ukrainian (or Ruthenian) Orthodox parishes in the present Rumania other than the Uniates. The Orthodox parishes with Ukrainian parishioners were only in Bessarabia and a few in Northern Bukovina; but these provinces are now within the Soviet Union. Thus, the Vicariate will obviously embrace the Uniate parishes. In this way, the Greek Ruthenian Uniate Church in Romania is detached from the Holy See and brought within the Romanian Orthodox Church as the Uniates in Galicia and Northern Bukovina were brought within the Russian Orthodox Church.

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6. The Christians of Old Rito

The name "Christians of Old Rito" is applied to a group of dissenters who originally belonged to the Muscovite Orthodox Church, broke away from it to some extent in the 17th century and, because of persecution, left Russia and settled at various times on the territory of the present day Romania. They are generally called in Russian raskolniki (shismatics) staroobriadtsi (old believers or followers of the old rito), and in Romanian Lipovani (from the name of Bessarabian town Lipova) or muscali. They Russians by nationality of the great Russian Branch and in the new place of settlement up to the present time preserved their language, dress, habits and customs. The schism was the result of the revision of the church books undertaken in the middle of the 17th century by Moscow Patriarch Nicon. The idea of the reform was to eliminate from the liturgical books in circulation in Russia erroneous deviations from the books used in other Eastern Orthodox Churches and correct in the same some local departure from the established ritual. "The Christians of the Old Rito" are the descendants of those Russians who refused to accept those corrections and stubbornly adherred to the practices hitherto customary in the Russian Church. Originally, there were no dogmatic or canonical differences. But with the time those adhering to the old customs became divided into a large number os sects, some of which went very far from the teachings of the Orthodox Church and even Christianity. There are among them sects which completely deny priesthood, sacraments

and any obligation toward the State including taxes and military service. In any event, those who settled abroad broke away from any administration connection with the Moscow hierarchy but did not join any other established Eastern Orthodox Church. Only a part of those remaining in Russia reunited with the official Russian Orthodox Church in the 1830's. Those are the so-called "edinovertsi." 795 563

However, those who settled in the Romanian Eastern provinces and their descendants continued their life in religious communities separately from the Romanian society and from the Russian Church. As they were opposed to any assimilation or unification with the Romanian Orthodox Church, they have been treated as a separate religious denomination. The religious tolerance has been granted by documents several times.

This church succeeded in organizing closed religious communities in parishes, in building churches, establishing monasteries and in some sects even establishing a certain hierarchy. But the movement did not have its own Divinity Schools and many sects were not willing to train the priests in Romanian or Russian schools. [793]

After the enactment of the Law No. 54 of 1928, the dignitaries of the Church of the Old Rite prepared a Constitution and by-laws and submitted it to the Romanian Government for approval in order to become recognized as a denomination. Up until 1942 they repeatedly tried to get this recognition and thus transform a de facto tolerance into the de jure recognition. Because of political reasons and suspicions of disloyalty, this status has never been granted. 795 659

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After World War II. Russia became interested in this Russian minority in Romania and its organization and helped it to become recognized by the Romanian Government, although not all of the Lipovan communities were willing by now to take such a step under the Soviet [illegible]elago. The recognition was done by Law No. 728 of 1946 (Official Gazette No. 212 of September 13, 1946).

The status of legal entity was granted to the hierarchical organizations of the Christians of the Old Rite, including their monasteries.

Yet, the law provides that the Romanian State does not in contrast to the statutory provisions of the Law No. 54 of 1928 grant any kind of subsidies to this denomination, either for maintaining its organization and institutions or for paying its clergy.

It must be borne in mind that under the present setup the government, by taking upon itself the financial support of the churches, makes thereby the churches dependent upon it. Therefore, the abovementioned provision of the Law No. 728 may be considered a privilege of the Lipovan Church and a token of its independence from the government.

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Besides a complete hierarchical independence, this church is enabled to establish and direct by itself parish schools for the young believers with teachers appointed by the Parish Assemblies.

These schools are neither controlled in any way by

the Ministries for Education and for Religious Affairs nor are they obliged in the least to send the curricula for approval (Article 73). 794 659

Consequently, the Christian Church of the Old Rite is not under the control of the Ministry for Religious Affairs with reference to its organization and cult as other denominations are. 795 659

Nor are its assets and financial status checked upon by the government authorities as are the assets of other denominations. [454] Finally, it is permitted to establish and manage denominational schools independent of any kind of supervision exercised by the Department of Education. No other denomination has such a right.

It may be assumed that the Soviets have taken a special interest in this denomination and therefore its status-as any other matter of interest for the Soviets-is not subject to Romanian law.